

EXHIBIT B

THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

ANITRICE ANDERSON,

CASE NO. 23-C-03911-S6

Plaintiff,

v.

SPEEDWAY LLC, MARATHON
PETROLEUM CORPORATION LP,
and JOHN DOE(S) 1-2,

Defendants.

**DEFENDANT SPEEDWAY LLC'S ANSWER AND AFFIRMATIVE DEFENSES TO
PLAINTIFF'S RENEWAL COMPLAINT AND DEMAND FOR JURY TRIAL**

Defendant Speedway LLC (hereinafter "Defendant"), by and through undersigned counsel, hereby files its Answer and Affirmative Defenses to Plaintiff's Complaint and demands a trial by jury, stating as follows:

FIRST AFFIRMATIVE DEFENSE

Plaintiff's Complaint fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Defendant states that Plaintiff was guilty of negligence, and Plaintiff's negligence was the sole, proximate cause or contributing cause of the damages complained of, and the recovery, if any, should be barred or reduced proportionately pursuant to the doctrine of comparative negligence.

THIRD AFFIRMATIVE DEFENSE

No act or omission on the part of Defendant caused or contributed to the injuries or damages claimed by Plaintiff.

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FOURTH AFFIRMATIVE DEFENSE

If there was any negligence that caused or contributed to Plaintiff's alleged injuries, it was solely the result of negligence on the part of third-parties who were not under the care, custody, control, or supervision of Defendant, and therefore, Plaintiff cannot recover against this Defendant.

FIFTH AFFIRMATIVE DEFENSE

Defendant specifically claims any credit or set-off to which Defendant may be entitled to any and all payments paid or payable to Plaintiff for any damages alleged in the Complaint from any collateral source whatsoever.

SIXTH AFFIRMATIVE DEFENSE

Defendant submits that Plaintiff has failed to mitigate damages as required under Georgia law and any such recovery should be proportionally reduced because of this failure.

SEVENTH AFFIRMATIVE DEFENSE

The negligence on the part of Plaintiff exceeded any negligence on the part of Defendant, and therefore, Plaintiff is barred from recovery.

EIGHTH AFFIRMATIVE DEFENSE

The diligence of Plaintiff must reduce any award to Plaintiff as contributory/comparative negligence.

NINTH AFFIRMATIVE DEFENSE

To the extent they may be shown through discovery, Defendant raises all affirmative defenses in O.C.G.A. § 9-11-8(c), and none of those defenses is waived.

TENTH AFFIRMATIVE DEFENSE

Defendant raises all affirmative defenses in O.C.G.A. § 9-11-12(b), and none of those

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defenses is waived.

Subject to the foregoing defenses, Defendant hereby responds to Plaintiff's Complaint as follows:

PARTIES, JURISDICTION AND VENUE

1. Admitted.
2. Admitted.
3. Admitted that Speedway LLC was the owner and operator in possession and control of the gas station located at 3120 Sugarloaf Parkway, Lawrenceville, Georgia 30045, store number 4102. Otherwise, denied.
4. Denied.
5. Denied.

BACKGROUND

6. Admitted.
7. Denied.
8. Denied.

NEGLIGENCE

9. Defendant re-alleges and re-asserts its responses to paragraphs 1-8 above as if fully set forth herein.
10. Admitted that Defendant owed a duty of care consistent with Georgia law for invitees on its premises. Otherwise, denied.
11. Denied.
12. Denied.

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13. Denied.

14. Denied.

15. Denied.

16. Denied.

PRAYER FOR RELIEF

Defendant denies that Plaintiff is entitled to the relief prayed for in subparts a-f and demands strict proof thereof.

RESERVATION OF RIGHTS

Defendant reserves the right to respond to any and all amendments to the Complaint not here and after asserted by Plaintiff.

DEMAND FOR JURY TRIAL

Defendant requests a trial by a twelve (12) person jury.

Dated this 10th day of July, 2023.

/s/ Joseph P. Menello
Joseph P. Menello, Esquire
Georgia Bar No. 752378
Asher W. Lipsett, Esquire
Georgia Bar No. 951994
Attorneys for Speedway LLC

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CERTIFICATE OF SERVICE

This is to certify I have served a copy of *Defendant Speedway LLC's Answer and Affirmative Defenses to Plaintiff's Renewal Complaint and Demand for Jury Trial* upon all counsel of record through the Court's electronic filing system and by Statutory Electronic Service addressed as follows:

Cameron D. Hawkins
Law Office of Cameron Hawkins
1231 Booth Street NW
Atlanta, GA 30318
chawkins@hawkinslaw.com

Dated this 10th day of July, 2023.

/s/ Joseph P. Menello
Joseph P. Menello, Esquire
Georgia Bar No. 752378
Asher W. Lipsett, Esquire
Georgia Bar No. 951994
Attorneys for Speedway LLC

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